

## 21 C.J.S. Courts § 307

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### Courts

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### VIII. Concurrent and Conflicting Jurisdiction

#### C. Courts of Different States or Countries

### § 307. Jurisdiction of foreign court over property

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#### West's Key Number Digest

West's Key Number Digest, [Courts](#) 510, 514

**Under the rule of comity, the rights of a court of one state as to the control of property which has come into its possession and over which it has jurisdiction will be recognized by courts of other states, and such possession will not ordinarily be interfered with by the latter.**

Under the rule of comity,<sup>1</sup> the rights of a court of one state as to the control of property which has come into its possession and over which it has jurisdiction will be recognized by courts of other states, and such possession will not ordinarily be interfered with by the latter.<sup>2</sup> Thus, the courts of one state will not ordinarily interfere with the administration of the property of an insolvent,<sup>3</sup> a decedent,<sup>4</sup> or a trust<sup>5</sup> properly in the courts of another state<sup>6</sup> unless called on by the court of primary jurisdiction.<sup>7</sup> However, since a court with exclusive jurisdiction over the assets of an insolvent does not have jurisdiction over assets not belonging to the insolvent, another court in a sister state is not required, under the comity doctrine, to defer to the first court's exercise of jurisdiction over funds in a bank located in the sister state which have not yet been determined to belong to the insolvent.<sup>8</sup>

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## Footnotes

- 1 N.Y.—*In re Bean*, 207 A.D. 276, 201 N.Y.S. 827 (4th Dep't 1923), *aff'd*, 238 N.Y. 618, 144 N.E. 916 (1924).
- 2 Tenn.—*York v. Bank of Commerce & Trust Co.*, 19 Tenn. App. 594, 93 S.W.2d 333 (1936).
- 3 U.S.—*Motlow v. Southern Holding & Securities Corp.*, 95 F.2d 721, 119 A.L.R. 1331 (C.C.A. 8th Cir. 1938).
- 4 Conn.—*Beach v. Norton*, 9 Conn. 182, 1832 WL 74 (1832).  
  
N.J.—*Griswold v. Kelly-Springfield Tire Co.*, 94 N.J. Eq. 308, 120 A. 324 (Ch. 1916).
- 5 Cal.—*Schuster v. Superior Court in and for Los Angeles County*, 98 Cal. App. 619, 277 P. 509 (2d Dist. 1929).
- 6 Pa.—*In re Cronin*, 326 Pa. 343, 192 A. 397 (1937).
- 7 U.S.—*Motlow v. Southern Holding & Securities Corp.*, 95 F.2d 721, 119 A.L.R. 1331 (C.C.A. 8th Cir. 1938).
- 8 Tex.—*Bryant v. United Shortline Inc. Assur. Services, N.A.*, 972 S.W.2d 26 (Tex. 1998).

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